


FORM OF ORDER SHEET

Court of _____

Appeal No. 1795/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/10/2024	<p>The appeal presented today by Mr. Muhammad Mauzzam Butt Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 11.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

S. A = 1795/24

MUHAMMAD ARSHAD KHAN
V/S

Government of KP & others

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ADVOCATE
M. Muazzam Butt

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

In Ref to

Service Appeal No 1795/2024

Mohammad Arshad Khan son of Shahbaz Khan, SPST (BPS-14)

Near TB Hospital Baghdada, Mohallah Piranabad, Mardan

.....Appellant

VERSUS

- 1) Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar
- 2) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Civil Secretariat, Peshawar
- 3) Director Elementary and Secondary Education Department, Civil Secretariat Near MPA Hostel, Peshawar

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974. AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020 DATED 06/08/2020 COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023. WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

PRAYER:

ON ACCEPTANCE OF INSTANT SERVICE APPEAL THE IMPUGNED NOTIFICATION BEARING NO: SO (POLICY) E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO. 2 VIDE LETTER DATED 06/06/2023, MAY BE DECLARED AND ORDERED TO BE STRUCK DOWN BEING VOID AND ULTRA VIRES TO THE CONSTITUTION OF PAKISTAN AND FUNDAMENTAL PRINCIPLES OF NATURAL JUSTICE AND AGAINST THE RIGHTS OF APPELLANT.

ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

RESPECTFULLY SHEWETH:

1. That the Respondents Department appointed the Appellant as Senior Primary School Teacher.
Copy of Appointment letter is annexed as **Annexure A**

2. That as per Khyber Pakhtunkhwa (Appointment/ Promotion/ Transfer) Rules, 1989, as well as in other sister services of the other Provinces and Federation as well, availing of promotion by the employees is always optional and the employees as a matter of right may avail or forego their promotion and the next employee in seniority list is to be promoted.
3. That some employees specifically have foregone their promotion as they could not serve in the areas where there is no facility of accommodation and no houses of their elders are available to look after them in far-flung and solitary mountainous hard areas, and as per Section 25 of per KP Civil Servant Act, 1973, rules to the extent of terms and condition is framed by the Chief Minister and such promotion rules are not made applicable with retrospective effect. The rules framed are published in the Gazette notification and part and parcel of KP Civil Servant Appointment, Transfer and Promotion Rules 1989.
4. That Government of K.P without following the rules position mentioned in Para 6 above promulgated Notification No. SO (Policy) E&AD/1 3/2020, dated 06/08/2020, communicated to Respondent No.2 vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. The impugned Notification is reproduced as under:

"Furthermore, those officers/officials who do not comply with promotion order of the competent authority or try to evade promotion through different means shall be proceeded against under Khyber Pakhtunkhwa Civil Servants (Efficiency Discipline) Rules, 2011, please".
5. That as per notification No. SD (Policy) /EDAD/1- 3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. Copy of impugned notification No. SD (Policy) EV AD/1- 3/2020 dated 06/08/2020 is attached as Annexure B
6. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the respondent No. 1 vide its letter No. SO(Policy) E&AD/1-3/2020 dated Peshawar the June, 06th, 2023 directed the respondent No 3 (Directorate of Elementary & Secondary Education) that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. Copy of impugned letter dated June 06th, 2023 is attached as Annexure C
7. That thereafter the meeting was also held in the office of Additional Secretary Establishment on 06-07-2023 in which it was decided to examine the case properly and submit a self-contained/ consolidated case for onward submission to the Establishment Department for further necessary action. Copy of Minutes of Meeting dated 06-07-2023 is attached as Annexure D
8. That the Respondent No.3 i.e. Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023 dated 23-08-2023 to reconsider the amendment made in Khyber

Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. Copy of letter dated 23-08-2023 is attached as **Annexure E**

9. That the respondent vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

Copy of impugned letter dated 07-09-2023 is attached as **Annexure F**

10. That the petitioner feeling aggrieved, filed Representation to the respondents in person, and also approached to respondents through APTA President but the grievances of the appellant have not so far been redressed.

Copy of Representation against the said notification is annexed as **Annexure G & H**

11. That feeling aggrieved from the letters dated 06-06-2023 and 07-09-2023 and the deletion of Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989; the petitioners filed this Hence, the instant service appeal is filed on the following grounds:-

GROUND:-

a. That as per various judgments it is established and settled principle that executive notifications cannot be given retrospective effect. A valid Notification which confers rights is always applicable with prospective effect, however, if an amendment notification that adversely affects the interests of the employees or causes disadvantage to the employee is not tenable in the eyes of law. The notification/guidance dated 06/08/2020 06/06/2023 are liable to be set-aside.

h. That there are no terms and conditions of service mentioned in the appointment order of the appellant wherein, availing of promotion is mandatory. It is further submitted that employees in the past, have foregone their promotion along with their posting. It is submitted that when domestic and other personal issues do not permit the employees/appellant to avail the promotion order and in that case, the employees who foregone their promotion were allowed not to avail the promotion for a period of 04 years and on second refusal the employees were permanently debarred from availing the facility of promotion during their entire service. Hence the employees himself/herself forebear agonies of foregoing their promotions. As a result, junior to the appellant according to the order of seniority cum fitness are granted promotion to next rank.

e. That as per Civil Servant laws, promotion is a kind of appointment which is always optional to get promotion or not, hence the impugned notification is void, illegal and against the law and the same to the extent of the appellant is liable to be set-aside.

d. That it is further submitted that on account of grant of promotion, some employees who are suffering from severe medical ailment or facing acute domestic issues cannot avail promotion with transfer in other areas, therefore, no employee can be compelled to accept the promotion compulsorily which is not beneficial to the employee but if an employee does not avail and get benefit of her promotion it must be optional for the employees as to whether to avail or forego the benefits. Any promotion without willingness of employee is illegal and liable to be set-aside.

- e. That non-availing of promotion and foregoing thereof does not cause loss to the government exchequer and in consequence of foregoing promotion, pave way to the next employee in seniority, aspiring for promotion could be promoted.
- f. That the impugned promotion Notification dated 06/08/2020 communicated on 06/06/2023 is perverse, discriminatory, against the law, pungent and is a blunt blow of hammer on the rights of the appellant. It is not out of place to mention here that the appellant are teachers and have to look after their children as well as ailing dependent family members and in these circumstances in the presence of impugned Notification dated 06/08/2023 communicated on 06/06/23 would not be able to serve in the department and which shall amount to the snatching of bread and butter of the poor employees.

It is, therefore, humbly prayed that on the acceptance of the instant Service Appeal; the impugned Notification bearing No. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, communicated to Respondent No.2 by Respondent NO.1, vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

It is further prayed that no penal action as proposed and envisaged in letter dated 06/06/2023 may be declared as unlawful, illegal and without having any legal effect.

Any other relief, which this honorable Tribunal deems fit and proper in the circumstances of the case, may also be granted to the appellant.

AFFIDAVIT:
 I, (the appellant) solemnly declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.
 Deponent

[Signature]
 Appellant

Through

[Signature]
 Muhammad Muazzam Butt
 Advocate Supreme Court

[Signature]
 Muhammad Adeel Butt
 Advocate High Court

[Signature]
 Bassam Ahmad Siddiqui
 Advocate High Court
 LL.M- Human Rights

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHUWA

C.M No _____ -P of 2024

In Ref to

Service Appeal No _____ 2024

Mohammad Arshad Khan.

VERSUS

Secretary to Government of Khyber Pakhtunkhwa, & others

APPLICATION FOR SUSPENSION OF IMPUGNED NOTIFICATION BEARING NO. SO (POLICY) E&D/1-3/2020 DATED 06/08/2020, COMMUNICATED TO RESPONDENT NO.2 BY RESPONDENT NO.1, VIDE LETTER DATED 06/06/2023 TILL THE FINAL DISPOSAL OF CASE IN HAND.

Respectfully Submitted:-

1. That the instant application may be treated as part and parcel of service appeal of the appellant.
2. That the appellant has brought a good prima facie case and balance of convenience also lies in favor of the appellant.
3. That there is likelihood success of the appellant in the lis. And if the notification bearing No. So (Policy) E&D/1-3/2020 Dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 is not suspended the appellant would suffer irreparable loss.
4. That valuable rights of the appellant is involved in the case.

In view of the reasons, it is humbly requested that the notification bearing No. So (Policy) E&D/1-3/2020 dated 06/08/2020, communicated to Respondent No.2 by Respondent No.1, Vide Letter Dated 06/06/2023 may kindly be suspended till the final disposal of the main appeal in hand.

AFFIDAVIT

I (the appellant) do hereby solemnly stated on oath that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed therein this Honorable Court.

Arshad
Deponent

Arshad
Appellant

Through

Muhammad Muazzam Butt
Muhammad Muazzam Butt
Advocate Supreme Court

Adeel Butt
Muhammad Adeel Butt
Advocate High Court

-6-

Dist. Govt. KP-Provincial
District Accounts Office Mardan
Monthly Salary Statement (July-2024)



Personal Information of Mr **MUHAMMAD ARSHAD KHAN** d/o/s of **SHAHBAZ KHAN**
 Personnel Number: 00132276 CNIC: 1610178016025 NPI: 0
 Date of Birth: 11.03.1982 Entry into Govt. Service: 27.10.2004 Length of Service: 19 Years 09 Months 08 Days

Employment Category: Vocational Permanent
 Designation: SENIOR PRIMARY SCHOOL TIA 8000432-DISTRICT GOVERNMENT PRTY III
 DDO Code: MR6156-11Y-DISTRICT EDUCATION OFFICER (M) M
 Payroll Section: 003 GPF Section: 001 Cash Center: 4
 GPF A/C No: 132276 GPF Interest applied: GPF Balance: 672,407.00 (provisional)
 Venue Number: 30438883 - MUHAMMAD ARSHAD KHAN
 Pay and Allowances: Pay scale: BPS For - 2022 Pay Scale Type: Civil BPS: 14 Pay Stage: 15

Wage type	Amount	Wage type	Amount
0001 Basic Pay	48,630.00	1001 House Rent Allowance 45%	3,321.60
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	550.00	2199 Adhoc Relief Allow @10%	373.00
2316 Teaching Allowance 2021	3,036.00	2341 Dispr. Red All 15% 2022KP	4,558.00
2347 Adhoc Rel Al 15% 22(PS17)	4,558.00	2378 Adhoc Relief All 2023 35%	16,411.00
2393 Adhoc Relief All 2024 25%	12,157.00	5011 Adj Conveyance Allowance	7,450.00

Deductions - General

Wage type	Amount	Wage type	Amount
3014 GPF Subscription	-3,900.00	3501 Benevolent Fund	-1,200.00
3609 Income Tax	-2,171.00	3990 Emp.Edu. Fund KPK	-135.00
4004 R. Benefits & Death Comp.	-600.00		0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
6501	HBA Loan Principal Instal	250,000.00	-2,084.00	145,800.00

Deductions - Income Tax

Payable: 29,143.28 Recovered till JUL-2024: 2,171.00 Exempted: 7192.30 Recoverable: 19,779.98

Gross Pay (Rs.): 105,400.00 Deductions: (Rs.): -10,090.00 Net Pay: (Rs.): 95,310.00

Payee Name: MUHAMMAD ARSHAD KHAN
 Account Number: 17149-0
 Bank Details: NATIONAL BANK OF PAKISTAN, 230365 MARDAN MAIN BRCH MARDAN MAIN BRCH, MARDAN

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address: MOH ATAM KHEL TB HOSPITALBAGIIDADA TELI DI
 City: MARDAN Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official
 Temp. Address: City: Email: arshadkhan3043@gmail.com

System generated document in accordance with APPM 4.6.12.9(130696/26.07.2024v3.0)
 All amounts are in Pak Rupees

ATTESTED

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OFFICE OF THE EXECUTIVE DIRECTOR OF PUBLIC EDUCATION, DISTRICT Mardan

APPOINTMENT ORDER

Consequent upon the advertisement published in the Daily Mail of Peshawar dated 19/09/2004 and resulted interview held on 25/09/2004 by the District Coordination Authority, Peshawar.

The District Coordination Authority, Peshawar hereby appoints the following candidates to the posts of PST (Male) on contract basis for five years only in HPS-07 (P.S. 220-123-5820 P.M) plus usual allowances as admissible to them under the rules and the vacant PST Post in the school noted against each with effect from the date of the appointment subject to the following existence terms and conditions:

UC WISE

S. No	U.C. No	Name	Father Name	Name of Union Council	Qualification	Age	Category	Post
UC No								
1246		Inayat Ullah Shah	Sarwar Shah	No	55.24		GPS	Papal Dargi River
1246		Muhammud Amin	Muhammud Hakim	No	54.35	Abul Hasan Ali	GPS	Papal
1113		Farooq Rehman	Farooq Rehman	No	54.00		GPS	Papal
UC Habiani								
623		Zahid Hussain	Saidul Khan	Daberi	55.54	Muhammad Hussain	GPS	Daberi
627		Nisar Ahmad	Ashraf Sattar	Daberi	53.87	Elshahbaz	GPS	Yahya Jabeed
1350		(Male) Ahmad	Haidar Khan	Daberi	53.87	Muhammad Hussain	GPS	Khudai Noor Ka
1238		Muhammud Ilyas	Muhammad Khan	Daberi	52.72	(Male) Ka Khudai	GPS	Khudai Noor Ka
1273		Akbar Khan	Haidar Khan	Daberi	52.00	Shahid Habiani	GPS	Shankar (Daberi)
303		Nawsher Khan	Habibul Khan	Daberi	51.90	Daberi	GPS	Daberi
1694		Amir Dadshah	Gul Haidar	Daberi	51.92	Daberi	GPS	Haseer Ka
393		Haidar Khan	Samsul Khan	Daberi	51.25	Haidar Ka	GPS	Haseer Ka
131		Ayaz Khan	Muhammud Khan	Daberi	51.05	Daberi	GPS	Haseer Ka
423		Haidar Ahmad	Alli Rahman	Daberi	50.70	(Male) Habiani	GPS	Haseer Ka
1829		Haidar Haidar	Haidar Haidar	Daberi	50.11	Haidar Ka	GPS	Shahar No 1
1070		Farooq Subhan	Nisar Gul	Daberi	49.85	Shankar	GPS	Shankar Kumbhar
2177		Farooq Subhan	Khan Haidar	Daberi	48.90	Haidar Ka	GPS	Shahar No 2
1259		Amir Zoh	Akbar Muhammad	Daberi	48.23	Shankar	GPS	Shankar
622		Haidar Khan	Amir Khan	Daberi	48.19	Khudai Noor Ka	GPS	Shankar
1225		Farooq Haidar	Farooq Haidar	Daberi	48.05	Khudai Noor Ka	GPS	Khudai Noor Ka
624		Haidar Muhammad	Amir Khan	Daberi	47.43	Khudai Noor Ka	GPS	Mir Akbar Ka
1128		Amir Ullah	Saeed Ullah	Daberi	47.37	Shankar Ka	GPS	Mir Akbar Ka

ATTESTED

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UC Munga									
246	283	Abdul Wahid	Inqar Muhammad	Munga	35.70	Munga	GPS	Mungah Dhan	
247	118	Kamrar Ali	Ali (Bakhal)	Munga	31.01	Munga	GPS	Mungah Dhan	
248	119	Hayat Mohd Khan	Ghulam Hussain	Munga	32.75	Chawka (A)	GPS	Mungah Dhan	
249	252	Mohd Ayaz Khan	Zinat Gul	Munga	30.53	Munga	GPS	Mungah Dhan	
250	824	Gohar	Rahmatullah	Munga	36.22	Dhan	GPS	Hospital Khasra	
251	701	Kamrar Khan	Zinat Gul	Munga	37.76	Mungah Dhan	GPS	Hospital Khasra	
252	843	Niaz Akbar	Rafiq Gul	Munga	37.70	Mungah Dhan	GPS	Hospital Khasra	
253	117	Said Farooq	Khan Bahar	Munga	41.78	Munga	GPS	Saba Khan	
UC Mardun Khas									
254	917	Hassan Gul	Nasir Khan	Mardun Khas	33.99	Mardun	GPS	Mardun Ho 2	
255	1349	Rahim Zubair	Malik Ahmad Khan	Mardun Khas	38.30	Zameer Khan	GPS	Mardun Ho 2	
UC Mardun Rural									
256	350	Syed Masood	Umar Jan	Mardun Rural	33.70	Chad Banta Mardun	GPS	Mardun Ho 2	
257	63	Hameed Khan	Sher Ali Khan	Mardun Rural	49.14	Chad Banta Mardun	GPS	Iran Akbar	
258	305	M. Arshad Khan	Muhammad Khan	Mardun Rural	46.93	Dughkoto	GPS	Iran Akbar	
259	76	Saleemur Rahman	Gul Rahman	Mardun Rural	46.16	Shahid Kaly Khan Gul	GPS	Iran Akbar	
260	1294	Kamrar Khan	Mohd Khan	Mardun Rural	44.61	Mardun Rural	GPS	Iran Akbar	
261	2142	Mohammad Ayaz Khan	Faqir Taj	Mardun Rural	44.23	Chad Banta Mardun	GPS	Iran Akbar	
262	1387	Mohammad Javed	Ali Gul	Mardun Rural	44.81	Chad Banta Mardun	GPS	Iran Akbar	
263	717	Fazli Amin	Gohar Ali	Mardun Rural	38.71	Iran Akbar	GPS	Sabir Khan	
264	1232	Nisar Mohammad	Abdus Sattar	Mardun Rural	32.42	Sultan Khan	GPS	Mardun	
UC Mayar									
265	1619	Ghoyar Ahmad	Muhammad Ahmad	Mayar	49.31	Said Farooq	GPS	Mayar Ho 2	
266	736	Filawat, Shah	Qadir Shah	Mayar	48.77	Ghauri Khan	GPS	Gauri Khan	
267	2295	Hammad	Hussain	Mayar	47.68	Mayar	GPS	Jaha Mayar	
UC Mian Essa									
268	681	Gandhar Ali	Rafiq Khan	Mian Essa	35.36	Mian Essa	GPS	Kala	
269	551	Naveen Akhtar	Farooq Gul	Mian Essa	34.59	Darya	GPS	Mangan Ho 1	
UC Mubalhat Akbar									
270	677	Mohammad Ayaz	Ali Hinder	Mubalhat Akbar	32.93	Mubalhat Akbar	GPS	Mubalhat Akbar	
271	1606	Muhammad Gul	Ghani Gul	Mubalhat Akbar	32.63	Mubalhat Akbar	GPS	Mubalhat Akbar	

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ATTEN
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ATTENTION
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1. Their appointments are made purely by merit tests for three years and are liable to termination if any time without any notice or reason.
2. They will perform their duty at the same station during the whole three years contract.
3. Their contract can be renewed after three years if their performance is found excellent as per required policy of the line.
4. They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge if their age is less than 18 years and above 35 years.
5. They are not allowed to take over charge if their age is less than 18 years and above 35 years.
6. They are required to sign contract agreement on judicial paper before taking over charge.
7. Their educational/professional certificates/degrees should be verified from the concerned Board/University before taking over charge and pay should not be released till verification.
8. In case of bogus testimonials printed out later on, F.I.R. will be registered against the candidate concerned.

TERMS AND CONDITIONS:-

Sl. No.	Name	Qualification	Age	Experience	Grade
357	Abubakar	B.A. (Hons.)	48.81	50 years	Gr. 1
358	Abdullah	B.A. (Hons.)	48.24	50 years	Gr. 1
359	Waji	B.A. (Hons.)	48.07	50 years	Gr. 1
UC Sharnu Zail					
360	Reshad Hassan	B.A. (Hons.)	37.77	37 years	Gr. 1
361	Khadim	B.A. (Hons.)	37.05	37 years	Gr. 1
362	Abubakar	B.A. (Hons.)	36.45	36 years	Gr. 1
363	Tahir	B.A. (Hons.)	36.05	36 years	Gr. 1
364	Sahaz Ali	B.A. (Hons.)	35.75	35 years	Gr. 1
UC Sher Gurd.					
365	Tib	B.A. (Hons.)	36.13	36 years	Gr. 1
366	Madam	B.A. (Hons.)	35.31	35 years	Gr. 1
367	Abdul	B.A. (Hons.)	34.11	34 years	Gr. 1
368	Abdul	B.A. (Hons.)	32.10	32 years	Gr. 1
369	Abdul	B.A. (Hons.)	31.87	31 years	Gr. 1
370	Abdul	B.A. (Hons.)	31.70	31 years	Gr. 1
371	Abdul	B.A. (Hons.)	30.82	30 years	Gr. 1
UC Turan					
372	Abdul	B.A. (Hons.)	33.01	33 years	Gr. 1
373	Abdul	B.A. (Hons.)	33.16	33 years	Gr. 1
374	Abdul	B.A. (Hons.)	32.91	32 years	Gr. 1
375	Abdul	B.A. (Hons.)	32.50	32 years	Gr. 1
376	Abdul	B.A. (Hons.)	32.04	32 years	Gr. 1
377	Abdul	B.A. (Hons.)	32.32	32 years	Gr. 1

~~ATTACHED~~

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REGISTRAR DISTRICT OFFICER
SCHOOLS & LITERACY DIVISION

- 1- Director Schools and Literacy (MYEP) Division
- 2- District Nazam Al-Jordan
- 3- District Coordination Officer Al-Jordan and Tabuk (Iraq)
- 4- Deputy District Officers (SI) Al-Jordan and Tabuk (Iraq)
- 5- ADO (Primary) Al-Jordan
- 6- District Accounts Officer Al-Jordan
- 7- Candidate concerned.

Copy forwarded to the:

REGISTRAR DISTRICT OFFICER
SCHOOLS & LITERACY DIVISION

Date: 16/1/2011

App: PST
85952980

- 10- No TAJBA is allowed to award pension gratuity for the retirement period of contract employes 2002.
- 11- They will be governed by contract policies related to the grant from time to time in case of non availability of vacancy. The appointment order of the candidate will be withdrawn and in any error in the score, the appointment order of the candidate will also be withdrawn.
- 13- They are entitled for annual increment on completion of one year service.
- 14- They will take over change of the post within 15 days.

~~ATTESTED~~

11.1.89

MAJIDAH LATIF
DEPUTY SECRETARY POLICE

ATTESTED



- 1. Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Planning & Development Department.
- 2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
- 3. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa.
- 4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
- 5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
- 6. The Divisional Commissioners in Khyber Pakhtunkhwa.
- 7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
- 8. All Autonomous Bodies in Khyber Pakhtunkhwa.
- 9. All Autonomous Semi Autonomous Bodies in Khyber Pakhtunkhwa.
- 10. All Deputy Commissioners in Khyber Pakhtunkhwa.
- 11. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 12. The Registrar, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
- 13. The Deputy Director (IT), ESA Department.
- 14. All Section Officers in Establishment & Administration Department with the request to the Section Officer (Adm), Administration Department.
- 15. The Director, Administration Department.

CHIEF SECRETARY
GOVERNMENT OF THE KHAYDER PAKHTUNKHWA

AMENDMENT
in rule 7, sub-rule (5) shall be deleted.

In exercise of the powers conferred by section 26 of the
Khyber Pakhtunkhwa Civil Servants Act No. XVIII of
1973 (Khyber Pakhtunkhwa) is pleased to direct that in the Khyber
Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the
amendment shall be made, namely:
The Chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber
Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989, the
amendment shall be made, namely:

NOTIFICATION

GOVERNMENT OF
KHAYDER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
REGISTRATION-WING

Annexure - 1 - B

-12-

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
(REGULATION WING)

NOTIFICATION
Dated Peshawar the, 06/08/2020

In exercise of the powers conferred by section 26 of the Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No XVIII) the chief Minister of Khyber Pakhtunkhwa is pleased to direct that in the Khyber Pakhtunkhwa Civil Servants (Appointment Promotion and Transfer) Rules 1989, the following further amendment shall be made, namely:

AMENDMENT

In rule 7, sub-ruler (5) shall be deleted.

CHIEF SECRETARY
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

(ANDS): & EVEN DATE

Copy is forwarded to :-

1. Additional Chief Secretary, Govt of Khyber Pakhtunkhwa, Planning & Development Department).
2. The Senior Member Board of Revenue, Khyber Pakhtunkhwa.
3. All Administrative Secretaries to Govt of Khyber Pakhtunkhwa.
4. The Principal Secretary to Governor, Khyber Pakhtunkhwa.
5. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
6. All Divisional Commissioners in Khyber Pakhtunkhwa.
7. All Heads of Attached Departments in Khyber Pakhtunkhwa.
8. All Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
9. All Deputy Commissioners in Khyber Pakhtunkhwa.
10. The Registrar, Peshawar High Court, Peshawar.
11. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar.
12. The Secretary, Khyber Pakhtunkhwa Public Service Commission, Peshawar.
13. The Deputy Director (IT), E&A Department.
14. All Section Officers in Establishment & Administration, Department.
15. The Section Officer (Admin), Administration Department with the request to arrange 20 gazette copies.
16. The Caretaker, Administration Department.

(WARDAH LATIF
DEPUTY SECRETARY (POLICY)

~~ATTESTED~~

ATTACHED

REPUBLIC OF PHILIPPINES DEPARTMENT OF POLICE

2011, please.
1. PG to Special Security (Reg) Department
2. PG to Additional Security (Reg II), New Police Department
3. PG to Deputy Security (Reg), Civil Service Department

Section Chief (Policy)

Yours faithfully,
Section Chief (Policy)

Copy forwarded to the
Bureau, New Police Dept

ASFE
2/6

The basic rationale behind the inclusion of the bill into the agenda of preventing a
will prevent from completion for the bill by adding to a single narrative paragraph or to
to prevent those who lead to large promotion to credit portfolios or show lack of capacity
to lack a higher responsibility in case of promotion. Therefore, it is obligatory upon every
civil servant to accept promotion to every position.
Furthermore, those officials who do not comply with promotion order
of the competent authority or try to evade promotion through different means shall be
proceeded against under Khyber Pakhtunkhwa Civil Service (Miscellaneous & Disabling) Rules,
2011, please.

To
The Government of Khyber Pakhtunkhwa,
Secretary & Secretary (Personnel Department),
QUANJER, BAHAMUTH, DISTRICT OF QUIN IN THE
KHYBER PAKHTUNKHWA CIVIL SERVICE (APPOINTMENT, PROMOTION AND TRANSFER)
REGULATION NUMBER 1989

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. 500 (Policy) (LAD) - 2020
Dated February 04, 2013



Annexure - C

-14-



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT, PESHAWAR
(Phone No. 091-9223587)

No. SO (Primary-M)E&SED/2-6/2023
Dated Peshawar Ito. June 26th, 2023

To

The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar.

[Handwritten Signature]
26/6/23

Aziz Ullah Khan,
President
All Primary Teacher's Association, KP

Subject: GUIDANCE REGARDING DELETION OF RULE 7(B) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1988.

I am directed to refer to the subject noted above and to enclose here with
a letter of Establishment Department letter No. SO (Policy)E&AD/1-3/2020 dated
06 June, 2023 and to state that the subject meeting is to be held on 06 July, 2023 at
11:00 AM in this department under the Chairmanship of Additional Secretary (Estab)
E&SE Department in his office.

2. You are, therefore, requested to depute a representative of your
respective Department to attend the meeting on a date, time & venue as mentioned
above, please.

Encl: AA

[Handwritten Signature]

[Handwritten Signature]
(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALE)

Copy forwarded to the:

1. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

[Handwritten Signature]

[Handwritten Signature]
SECTION OFFICER (PRIMARY MALE)
26/6/23

~~ATTESTED~~

-15
B/c

No. SO (Primary-M)/E&SED/2-6/2023
Dated Peshawar the June 25th 2023

To: The Director
Elementary & Secondary Education Department
Khyber Pakhtunkhwa, Peshawar

Astz. Ullah Khion President
President
All Primary Teacher's Association, KP

Subject: GUIDANCE REGARDING DELETION OF RULE 7(S) IN THE KHYBER
PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION
AND TRANSFER) RULES, 1989.

I am directed to refer to the subject noted above and to enclose here with a letter of
Establishment Department letter No. SO (Policy) E&AD/1-3/2020 dated 05 June, 2023 and to state
that the subject meeting is to be held on 06 July, 2023 at 11:00 AM in this department under the
Chairmanship of Additional Secretary (Estab) E&SE Department in his office.

2. You are, therefore, requested to deputise a representative of your respective
Department to attend the meeting on a date, time & venue as mentioned above, please.

Encl: AA

(MUHAMMAD ISHAQ)
SECTION OFFICER (PRIMARY MALI)

Copy forwarded to this:

1. PS to Secretary, E&SE Department Khyber Pakhtunkhwa.

SECTION OFFICER (PRIMARY MALI)

ATTESTED

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR. AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting.


Annexure
D


Sl	NAME	DESIGNATION
1	Mr. Fozal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association Khyber Pakhtunkhwa
3	Mr. Razaqat Ullah	General Secretary APTA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar


2. The meeting started with recitation from the Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After threads were discussed it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

The meeting ended with a vote of thanks from the Chair.


(Mr. Fozal Wahid)
Deputy Director-
E&SE Department


(Mr. Aziz Ullah)
Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa


(Mr. Razaqat Ullah)
General Secretary APTA
Peshawar


(Muhammad Ishaq)
Section Officer (Primary-Male)
E&SE Department

(Abdulrah)
Additional Secretary (Establishment)
E&SE Department


ATTESTED

-17-
-B/C-

MINUTES OF THE MEETING REGARDING APPLICATION SUBMITTED BY MR AZIZ ULLAH PROVINCIAL PRESIDENT ALL PRIMARY TEACHERS ASSOCIATION KHYBER PAKHTUNKHWA REGARDING DELETION OF RULE 7(S) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER RULES 1989).

A meeting regarding the subject matter was held on 06-07-2023 at 11:00 AM under the Chairmanship of Additional Secretary Establishment in his office. The following attended the meeting

SR	NAME	DESIGNATION
1	Mr. Fazal Wahid	Deputy Director Establishment of Directorate Elementary & Secondary Education Department
2	Mr. Aziz Ullah	Provincial President All Primary Teachers Association: Khyber Pakhtunkhwa
3	Mr. Rafiqat Ullah	General Secretary APYA Peshawar
4	Muhammad Ishaq	Section Officer (Primary) E&SE Department Civil Secretariat Khyber Pakhtunkhwa Peshawar

2. The meeting started with recitation from The Holy Quran. The chair welcomed the participants. The Deputy Director (Establishment) of Directorate of Elementary & Secondary Education briefed the forum regarding agenda item in detail.

3. After threadbare discussion it was decided that Directorate of Elementary & Secondary Education Department may examine the case properly and submit a self-contained/consolidated case for onward submission to Establishment Department for further necessary action.

The meeting ended with a vote of thanks from the Chair.

(Mr. Fazal Wahid)
Deputy Director-1
E&SE Department

Provincial President
All Primary Teachers Association
Khyber Pakhtunkhwa

(Mr. Rafiqat Ullah)
General Secretary APYA
Peshawar

(Muhammad Ishaq)
Section Officer (Primary-Male)
E&SE Department

(Abdullah)
Additional Secretary (Establishment)

ATTESTED

-18-

-B/C-

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION, KPK

PERHAMPUR
(21-7-2023)

To:

Section Officer (Primary- Male),
Elementary & Secondary Education Department,
KPK, Peshawar.

Subject: Minutes of Meeting

Dear Sir, I am directed to refer to letter No. (SO Peshawar-M) E & SED /5-1/6000/1
Minutes of meeting /31/7/2023 dated 30-7-2023 on subject cited above and to
pass on brief history about background of case as under:-

- That Government of KP Establishment department (Regulation, Wafiy) dated vide G(S) in Civil Services (Appointment, promotion, Transfer Rule 1997) with notification No. No. SGP-VI (E&AD) 1-3/2020 dated: 06-08-2020.
- That this office sought guidance from your good office in the following words vide letter No. 5183 dated: 06-08-2021
- (i) How it is obligatory upon civil servant to accept promotion, (ii) How it is obligatory of civil servant to offer accept/turn down the offer of promotion.

• That your good office forwarded the same to quante concerned vide letter No. SO (Peshawar) E & SED /7-2/ Appointment /2023 for necessary guidance.

• That the government of KP-ED (Regulation, Wafiy) vide letter No. SO (Policy) E & AD /1-3/2020 dated: 6-06-2023 correspondingly stated that there exists no provision to decline /forgo promotion. It is obligatory upon every civil servant to accept promotion under every condition.

• That in light of the minutes of the meeting dated: 6-07-2023, held under the Chairmanship of Hon. Additional Secretary Establishment of his office. This office has been asked for submission of consolidated case.

In view of the above, this office is of considered opinion that the deletion of Rules 7(S) have effected negatively a huge members of female teachers.

The case is submitted for perusal and necessary action please.

- Copy of the above to;
- 1. PA to Director Local Directorate
- 2. Master Copy

Authorized Director
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

WPK-40-3073 PESHAWAR VIA GOVT OF KPK

~~LISTED~~

~~ATTACHED~~

W-1443-2023 AZDULLAH VS GOVT CP POK

Assistant Director (Exhibit-1)
Ministry of Secondary Education
Khyber Pakhtunkhwa

1. PA to Director
2. Master Copy

Copy of the above is in
Encl: No. _____

Assistant Director (Exhibits A-D)
Ministry of Secondary Education
Khyber Pakhtunkhwa
Date: 21/11/2023

The case is submitted for personal and necessary actions please.

Department of Education Committee.
provided they might their written refusal order in continuation of the meeting of
Teachers Union. It may be requested of implications of the commitment in the rules laid
7(1) have effect of a large number of Female Teachers. This is prepared that
In view of the above, the office is of considered opinion that the direction of Rules
has been asked for submission of consolidated case.
Chairman of the Hon. Additional Secretary, Establishment of his office this office has
That in the light of the minutes of meeting dated 6-07-2023 held under the
(Priority-4) EASERD-2/1/propb/2023 dated 12-05-2023.
The same was received by this office from your good office via letter No.50
civil servant to accept promotion under every condition.
that there shall be provision to decline or forgo promotion. It is obligatory upon every
(When) with letter No.50 (P) dated 5-06-2023 categorically stated
That the Government of Khyber Pakhtunkhwa Establishment Department (Regulation
No.50 (Priority-4) EASERD-2/1/propb/2023 for necessary guidance.
That your office forwarded the same to the quarter concerned via letter
provision.
(ii) It is the prerogative of the civil servant to either accept or turn down the offer of
(i) Now it is obligatory upon the civil servant to accept promotion in every condition.
No.5087 dated 09-07-2023.
That this office sought guidance from your good office in the following words via letter
vide No.508-VI (EASERD)/1/7020 dated 05-08-2023.
The Government of Khyber Pakhtunkhwa Establishment Department (Regulation (When)
dated Rule 7(1) in the Civil Service (Appointment, Promotion & Transfer Rules 1959)
vide No.508-VI (EASERD)/1/7020 dated 05-08-2023.
I am directed to refer to the letter No.5087 dated 09-07-2023 on the subject cited above and to
Q. Mr. Azhazhazh of the letter No.5087 dated 10-07-2023 on the subject cited above and to
present brief history of the case as under:

Subject - MINUTE OF THE MEETING
Dear Sir,
The Section Officer (Priority-Male),
Ministry of Secondary Education Department,
Khyber Pakhtunkhwa Peshawar.

Phone No. 8145
Khyber Pakhtunkhwa Peshawar
Email: esd@kpk.gov.pk



ATTN:

REF: 2023 AZDILIAN VS GOVT OF POK

Scanned with CamScanner

SECTION OFFICER (PRIMARY MALE)
20/09/23

1. Director ESSE Khyber Pakhtunkhwa,
2. PS to Secretary, ESSE Department Khyber Pakhtunkhwa.

Copy forwarded to the:

SECTION OFFICER (PRIMARY MALE)
JUNHABAD (ESSE)

3. In view of the above, the said amendment may be reconsidered to the extent of lady teacher in primary schools. In some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father or mother-in-law who need care. In such cases, there are negative effects on service delivery.

2. In this connection it is submitted that in some cases lady teacher of primary level who avail such promotions have to face serious inconvenience while they have to perform duties in the remotest station with no residential or transport facility. Most of them are married with kids and elder father or mother-in-law who need care. In such cases, there are negative effects on service delivery.

SUBJECT: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE CIVIL SERVANT (APPOINTMENT, PROMOTION & TRANSFER) RULES, 1987.

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment & Administration Department,
Peshawar.

Annexure E

No. SO/P/primary-M/ESSE/D-2-1/Appointment-Rule /2023
Peshawar, Dated 23rd August, 2023

ELDERLY AND SECONDARY EDUCATION DEPARTMENT
CIVIL SECRETARIAT PESHAWAR
(Phone No.091-8222587)



ATTESTE

(Muzammad Ishaq)
Section Officer (General)
(Note)

1. D/Secy, E&SE, Peshawar
2. PS to Secretary, E&SE, Peshawar

Copy forwarded to
In view of above, the said amendment may be reconsidered to the extent of body text in primary schools.
Effects on service delivery in such cases there are negative Mother-in-law who need care in such cases there are negative Most of them are married with kids and elder father of In the remotest stations with no residential/transport facilities fore serious inconvenience while they have to perform duties Teachers of primary level who could such promotion have to In this connection it is submitted that in some cases body of serious inconvenience while they have to perform duties different means shall be provided under Kyber Pakhtunkhwa Govt Servant (Efficiency and Discipline) Rule 2011. of the competent authority or try to evade promotion through those officers/officials who don't comply with promotion order Promotion and Transfer Rules 1989) It has been intimated that deletion of Rule 7(S) Kyber Pakhtunkhwa Govt Servant (Appointment, Promotion and Transfer Rules) 1989) dated 6th June 2023 and to state that after 9 am directed to refer to your letter No. S/General (Peshawar) dated 13/3/2023 and to state that after

Dear Sir,
SUBJECT: Guidance regarding deletion of Rule 7(S) in the Govt Servant (Appointment, Promotion & Transfer Rules) 1989)

The Secretary to Government of Kyber Pakhtunkhwa
Establishment and Administration Department
Peshawar

To
No. S/General (M) E&SE D/Secy (Peshawar) 18-9/1
Appointment - Rule 2013
Peshawar Dated 23rd August 2023

-8/-
-21-

Annexure - F



GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&AD/1-3/2020
Dated Peshawar the September 07, 2023

To
The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: - GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir,
I am directed to refer to your letter No. SO(Primary-M/E&SED/2-
2/Appointment-Rule/2023 dated 23.08.2023 on the subject noted above and to state that
necessary guidance has already been tendered to your good office vide this department letter of
even No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encls. Of even No & date

Copy forwarded to the:-

1. PS to Special Secretary (Reg), Establishment Department.
2. PA to Additional Secretary (Reg-II), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

ATTACHED

www.psc.gov.pk

-22-

23

B/c

GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT
No. SO(Policy)E&AD/1.3/2020
Dated, Peshawar the September 07, 2023.

To

The Secretary to Government of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject: GUIDANCE REGARDING DELETION OF RULE 7(5) IN THE
KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT,
PROMOTION AND TRANSFER) RULES, 1989.

Dear Sir:

I am directed to refer to your letter No. SO(Primary-M)/E&SED/2-2/Appointment-
Rule/2023 dated 03.08.2023 on the subject noted above and to state that necessary
guidance has already been rendered to your good office vide this department letter of even
No. dated 06.06.2023 (copy enclosed).

Yours faithfully,

Section Officer (Policy)

Encl. Of even No. & date

Copy forwarded to the:-

1. PS to Special Secretary (Reg), Establishment Department.
2. PA to Additional Secretary (Reg-1), Establishment Department.
3. PS to Deputy Secretary (Policy), Establishment Department.

Section Officer (Policy)

ATTESTED

-24-

Annexure - G

To,

- 1) Secretary to Government of Khyber Pakhtunkhwa, Establishment Department, Civil Secretariat, Peshawar
- 2) Secretary to Government of Khyber Pakhtunkhwa, Elementary and Secondary Education Department, Civil Secretariat, Peshawar
- 3) Director Elementary and Secondary Education Department

Subject: REPRESENTATION AGAINST THE IMPUGNED NOTIFICATION BEARING NO.SO(POLICY)E&AD/1-3/2020, DATED 06/08/2020, COMMUNICATED TO SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA, ELEMENTARY & SECONDARY EDUCATION DEPARTMENT VIDE LETTER D06/06/2023, WHEREIN IT WAS STATED THAT SUB RULE 5 OF RULE 7 OF KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPOINTMENT, PROMOTION AND TRANSFER) RULES, 1989 STANDS DELETED

Sir/Madam:-

Your Honorable authority promulgated Notification No. SO (Policy) E&AD/1-3/2020, dated 06/08/2020, communicated to Elementary & Secondary Education vide letter dated 06/06/23 wherein it has been made mandatory to the employees to avail the promotion, otherwise, disciplinary action shall be taken against the employees. That, as per notification No. SO (Policy) /E&AD/1-3/2020 dated 06/08/2020, the right of foregoing of promotion was withdrawn and the Government of Khyber Pakhtunkhwa Establishment Department (Regulation Wing) deleted Rule 7(5) in the Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 vide notification no SOR-VI (E & AD)/1-2/2020 dated 06-08-2020. That the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar asked for guidance regarding deletion of Rule 7(5) in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 in respect of which the Establishment Department vide its letter No. SO.(Policy) E&AD/1-3/2020 dated Peshawar the June 06th, 2023 directed the Directorate of Elementary & Secondary Education that Rule 7(5) in the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 has been deleted vide notification dated 06-08-2020 and therefore, no provision exists to decline or forgo promotion and it is obligatory upon every civil servant to accept promotion under every condition. That Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa also wrote a letter to the office of Establishment & Administrative Department vide No SO(Primary-M) E&SED/2-2/Appointment Rule/2023, dated 23-08-2023 to reconsider the amendment made in Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 as it had negatively affected a large number of teachers and especially female teachers. In the meanwhile, the department vide its letter dated 07th of September 2023 directed the Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa that necessary guidance has already been provided to the department and therefore no provision exists to decline or forgo promotion and those teachers who do not comply with the promotion order of the competent authority or try to evade promotion through different means shall be proceeded under the Khyber Pakhtunkhwa Civil Servant (Efficiency & Discipline) Rules, 2011.

It is, therefore, humbly prayed that on the acceptance of the instant representation; the Notification bearing No. SO (POLICY) E&D/1-3 1-2020 DATED 06/08/2020, communicated to vide letter dated 06/06/2023, may please be declared and ordered to be struck down being Void, Ultra vires to the Constitution of Pakistan and against the fundamental principles of natural justice.

Dated 16/01/2024



Arshad
MUHAMMAD ARSHAD KHAN
SON OF
SHAHBAZ KHAN
SPST

~~ATTESTED~~

APR 11 2022 11:11 AM VS GOVT OF POK

Handwritten signature and text in Urdu script.

Handwritten signature and text in Urdu script.

Main body of handwritten text in Urdu script, appearing to be a formal statement or affidavit.

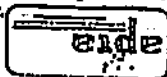
Handwritten signature and text in Urdu script.

Annexure - H

Handwritten text in Urdu script.

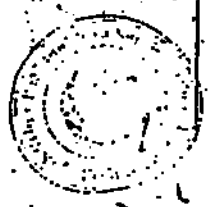
APTA House
Govt. Printing Department
Quadrant, Ferozpur City

Khyber Pakhtunkhwa



President
Q 0113, P.O. 1448
G 0113, P.O. 1448
www.gkp.gov.pk

07.05.2024

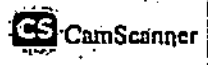


1. Learned counsel for the appellant present.
2. Let a pre-admission notice be issued to the respondents through TCS for submission of reply comments. Appellant is directed to deposit TCS expenses within three days. To come up for reply comments as well as preliminary hearing on 10.06.2024 before S.D. P.P given to learned counsel for the appellant.
03. Alongwith the service appeal there is an application for suspension of Notification dated 06.06.2023 and letter dated 23.08.2023 till the final disposal of main service appeal. In the meanwhile, no adverse action shall be taken against the appellant till next date of hearing.

Certified to be true copy (Muhammad Akbar Khan)
Member (S)

[Handwritten signature]
13/5/24

Date of Presentation of Application 10-6-24
 Number of 1
 Copies 1
 Uppan 1
 Total 1
 Date of 13-5-24
 Date of delivery of copy 12-6-24



~~TESTED~~

VAKALAT NAMA

BEFORE THE SERVICE TRIBUNAL PESHAWAR

MUHAMMAD ARSHAD KHAN
Versus

Appellant

Government of KP & others

Respondents

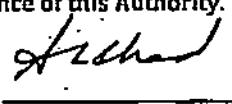
I (the Appellant)

do hereby appoint and retain

MUHAMMAD MUAZZAM BUTT ASC. MUHAMMAD ADEEL BUTT AHC
BASSAM AHMAD SIDDIQUI AHC
&
ASSOCIATES OF MUAZZAM LAW FIRM


to act and appear for me in the above Suit and on my behalf to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any petition connected with the same or any decree or order passed therein and Applications for review to file and obtain return of documents, and to represent me/us and to take all necessary steps on my/our behalf in the above matter.

I agree to ratify all acts done by the aforesaid Advocate in pursuance of this Authority.

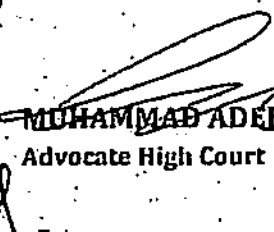


APPELLANT

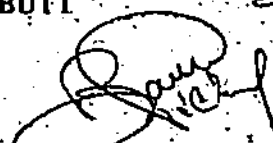
ACCEPTED



MUHAMMAD MUAZZAM BUTT
Advocate Supreme Court



MUHAMMAD ADEEL BUTT
Advocate High Court



BASSAM AHMAD SIDDIQUI
Advocate High Court